

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 31, 2000

ALL COUNTY LETTER NO. 00-24

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☒ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: LOST AND STOLEN WARRANTS
QUILLA BEVERLY v. ANDERSON LAWSUIT

REFERENCE: COUNTY FISCAL LETTER (CFL) 99/00-58

The purpose of this letter is to inform county welfare departments concerning the court order recently issued in the case of Quilla Beverly v. Anderson concerning a county's responsibility to replace lost, stolen or destroyed public assistance warrants. On November 29, 1999, the Court of Appeals affirmed the lower court's decision, which agreed with plaintiffs' argument (76 Cal. App. 4th 480). The court concluded that there is a mandatory duty under Government Code Section 29853.5 to issue a replacement warrant within five working days after a recipient files a proper affidavit attesting that the warrant has been lost, stolen or destroyed regardless of any investigation a county might choose to do during that period.

Effective immediately, counties are to issue replacement warrants within five working days after a recipient has filed a proper affidavit attesting that the warrant has been lost, stolen or destroyed even if the county has determined that the warrant was not lost, stolen or destroyed. Public assistance warrants means any assistance payments to recipients in public social services programs provided for in Part 3 of Division 9 (commencing with Section 11000) of the Welfare and Institutions code and includes such payments as supportive services in the CalWORKs program for child care and transportation, bonus payments in the Cal Learn program and payments to Special Circumstances Program recipients and vendors. The decision is prospective only and no retroactive adjustments are required. The court's decision applies to all public assistance programs except the Supplemental Security Income/State Supplementary Payment (SSI/SSP) program, the In-Home Supportive Services program (IHSS), and the Cash Assistance Program for Immigrants (CAPI).

If the original warrant and the replacement warrant are both cashed and the county has reason to believe that the recipient cashed both warrants, the county shall conduct an

investigation. In cases of fraud, counties shall pursue an Intentional Program Violation via criminal prosecution, Administrative Disqualification Hearing or Disqualification Consent Agreement. Counties shall also assess an overpayment and seek recoupment.

This letter is issued concurrently with CFL 99/00-58. If you have any questions about the lawsuit, please call Mr. Vincent Toolan at (916) 654-1808. For issues regarding SSI, IHHS or CAPI call Rolando Moen at (916) 229-4598; for Cal Learn call the analyst assigned to your county at (916) 654-1424; for Welfare to Work supportive services, call Sara Mangum at (916) 654-1887; for Foster care contact your Foster Care program eligibility analyst at (916) 324-5908 and for issues regarding fraud or fraud prosecutions, please call Judy Hale at (916) 263-5738.

Sincerely,
Original signed by
Robert C. Campbell for
Lawrence B. Bolton on
March 31, 2000
LAWRENCE B. BOLTON
Deputy Director
Legal Division

c: CWDA
CSAC